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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,590	03/18/2004	Folu Okunseinde	AUS920031041US1	7383

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Intellectual Property Law Dept.
IBM Corporation
11400 Burnet Road
Austin, TX 78758

EXAMINER

GERGISO, TECHANE

ART UNIT	PAPER NUMBER
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2137

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04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,590	Applicant(s) OKUNSEINDE ET AL.	
	Examiner TECHANE J. GERGISO	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/25/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/18/04; 02/25/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a non-Final Office Action in response to the applicant's communication filed on February 25, 2008.
2. Claims 1-30 have been examined and are pending.

Information Disclosure Statement

3. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

4. Claims 1, 2, 6, 9, 14, 17, 18, 20, 21, 24, 25, 27, 28 and 29 are objected to because of the following informalities:

claim 1: lines 3, 6; claim 2: lines 2, 5; claim 6: line 2; claim 9: line 4 ; claim 14: line 3; claim 17: lines 5, 8; claim 18: line 4; claim 20: line 3; claim 21: line 2; claim 24: lines 5, 8; claim 25: line 2; claim 27: line 5; claim 28: lines 5, 8; and claim 29: line 2 recite "**remote device is capable of providing....**". The claims do **not** recite a **define action of "remote device is providing "** and instead they suggest that what the remote device is "**capable of**" and it renders the claims ambiguous to distinguish what the remote device is capable of and not capable of. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 9-13, 17-20 and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaler et al. (hereinafter referred to as Kaler, US Pub No.: 2004/0139322 A1).

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As per claim 1:

Kaler discloses a method, comprising:

determining security information associated with at least one object of a transaction

(0049; context information" is defined generally to include any data associated with establishing a secure context at a communications end-point);

determining if a remote device is capable of providing a level of security indicated by at

least a portion of the security information (0029; The second end message processor receives the first portion of context information. The second message processor may establish a secure context from the first message processor based on the received first portion of context information); and

transmitting the object to the remote device in response to determining that the remote

device is capable of providing the level of security (0110; 0119; A secure context may be established when end message processor 208 accepts the context information that has been received from end message processor 205. End message processor 208 can indicate that it accepts context information by including an XML accept element in an electronic message that is sent to end message processor 205).

As per claim 2:

Kaler discloses a method, wherein the object is a business object, and wherein determining if the remote device is capable of providing the level of security comprises:

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transmitting to the remote device information representative of the level of security that is desired (0049); and
receiving a response from the remote device indicating that the remote device is capable of providing the desired level of security (0110; 0119).

As per claim 3:

Kaler discloses a method, wherein determining the security information comprises accessing a header portion of the object (0078; 0079; 0081).

As per claim 4:

Kaler discloses a method, wherein determining the security information comprises determining security information relating to at least one of connection information, class information, trusted entities information, and logging capability information (0010; 0043).

As per claim 5:

Kaler discloses a method, wherein accessing the header portion of the object comprises accessing at least one header of a Simple Object Access Protocol message (0080; 0081; 0095).

As per claim 9:

Kaler discloses an article comprising one or more machine-readable storage media containing instructions that when executed enable a processor to:

determine security information associated with at least one object of a given transaction (0049; Figure 5: 534; 546);

receive a response from a remote device indicating that remote device is capable of providing a level of security that is represented by at least a portion of the security information (0029; Figure 5: 534; 546) and

transmit the object to the remote device in response to receiving the response from the remote device (0110; 0119).

As per claim 10:

Kaler discloses an article, wherein the object is a business object, and wherein the instructions when executed enable the processor to transmit to the remote device information representative of the level of security that is desired (0049; 0110; 0119).

As per claim 11:

Kaler discloses an article, wherein the instructions when executed enable the processor to access a header portion of the object (0078; 0079; 0081).

As per claim 12:

Kaler discloses an article, wherein the instructions when executed enable the processor to determine security information relating to at least one of connection information, class information, trusted entities information, and logging capability information (0010; 0043).

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As per claim 13:

Kaler discloses an article, wherein the instructions when executed enable the processor to access at least one header of a Simple Object Access Protocol message (0080; 0081; 0095).

As per claim 17:

Kaler discloses an apparatus, comprising:

a storage unit having stored therein an object associated with a given transaction; and a

control unit communicatively coupled to the storage unit, the control unit adapted to (0035):

determine security information associated with the at least one object (0049;

Figure 5: 534; 546);

determine if a remote device is capable of providing a level of security represented by at least a portion of the security information (0029; Figure

5: 534; 546); and

transmit the object to the remote device in response to determining that the remote device is capable of providing the level of security (0110; 0119).

As per claim 18:

Kaler discloses an apparatus, wherein the control unit is adapted to:

transmit to the remote device information representative of the level of security that is desired (0049); and

receive a response from the remote device indicating that the remote device is capable of providing the desired level of security (0110; 0119).

As per claim 19:

Kaler discloses an apparatus, wherein the control unit is adapted to access a header portion of the object (0078; 0079; 0081).

As per claim 20:

Kaler discloses an apparatus, wherein the control unit is adapted to determine security information relating to at least one of connection information, class information, trusted entities information, and logging capability information (0010; 0043).

As per claim 24:

Kaler discloses a system, comprising:

a first processor-based device adapted to (Figure 3: First processor; Figure 5: 502: End Message Processor):

determine security information associated with at least one object of a given transaction (0049; Figure 5: 534; 546);

determine if a second processor-based device is capable of providing a level of security represented by at least a portion of the security information (0029; Figure 5: 534; 546); and

transmit the object to the second processor-based device in response to determining that the second processor-based device is capable of providing the level of security (0110; 0119); and
a second processor-based device communicatively coupled to the first processor-based device, the second processor-based device adapted to receive the object (Figure 3: Second processor; Figure 5: 506: End Message Processor).

As per claim 25:

Kaler discloses a system, wherein the second processor-based device is adapted to indicate to the first processor-based device that the second processor-based device is capable of providing a level of security represented by at least a portion of the security information (Figure 3: 308).

As per claim 26:

Kaler discloses a system, wherein the first processor-based device is adapted to indicate to the second processor-based device the level of security that is desired, and wherein the second processor-based device is adapted to configure itself with at least one module to provide the desired level of security based on receiving the indication from the first processor-based device (Figure 3: 311; 312).

As per claim 27:

Kaler discloses a system, wherein the second processor-based device is adapted to:

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determine if a third processor-based device is capable of providing a second level of security represented by at least a portion of the security information (0049); and transmit the object to the third processor-based device in response to determining that the third processor-based device is capable of providing the second level of security (0110; 0119).

As per claim 28:

Kaler discloses a method, comprising:

receiving, at a first device, a request from a second device desiring to transmit at least one object, wherein the request includes at least a portion of security information associated with the object (0049; Figure 5: 534; 546);
determining if the first device is capable of providing a level of security represented by the security parameter (0029; Figure 5: 534; 546); and
transmitting an indication to the second device based on determining if the first device is capable of providing the level of security (0110; 0119).

As per claim 29:

Kaler discloses a method, where configuring the first device with at least one module that allows the first device the capability of providing the level of security (Figure 3: 300; 312).

As per claim 30:

Kaler discloses a method, where receiving the data object from the second device.
(Figure 3: 311)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8, 14-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaler et al. (hereinafter referred to as Kaler, US Pub No.: 2004/0139322 A1) in view of Shewchuk et al. (hereinafter referred to as Shewchuk, US Pub, No.: 2004/0139352).

As per claims 6, 14 and 21:

Kaler does not explicitly disclose determining an alternative remote device that is capable of providing the level of security represented in response to determining that the remote device is not capable of providing the level of security. Shewchuk, in analogous art, however, disclose determining an alternative remote device that is capable of providing the level of security represented in response to determining that the remote device is not capable of providing the level of security (Figure 5: Validating message processor; 531; 0115-0116). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made

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to modify the system disclosed by Kaler to include determining an alternative remote device that is capable of providing the level of security represented in response to determining that the remote device is not capable of providing the level of security. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do to provide a uniformly representing and transferring security assertion and security response information as suggested by Shewchuk (0014-0015).

As per claims 7, 15 and 22:

Kaler discloses a method, article and apparatus, comprising causing the remote device to execute at least one module that allows the remote device to provide the level of security (0086).

As per claims 8, 16 and 23:

Kaler discloses a method, article and apparatus, wherein determining the security information comprises determining the security information in response to receiving the object from a remote device (0033).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T.G. /

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April 7, 2008

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137

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